

## Message Text

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ACTION ARA-14

INFO OCT-01 EUR-12 ISO-00 CIAE-00 DODE-00 NSAE-00  
NSCE-00 SSO-00 ICAE-00 INRE-00 PM-05 H-01 INR-10  
L-03 PA-01 SP-02 SS-15 AID-05 OMB-01 PC-01 HA-05  
TRSE-00 IO-13 /089 W  
-----016640 302321Z /15

O 302235Z MAY 78  
FM AMEMBASSY SANTO DOMINGO  
TO SECSTATE WASHDC IMMEDIATE 4739  
INFO AMEMBASSY BOGOTA IMMEDIATE  
AMEMBASSY CARACAS IMMEDIATE  
AMEMBASSY LISBON IMMEDIATE  
AMEMBASSY MADRID IMMEDIATE  
AMEMBASSY PORT AU PRINCE IMMEDIATE  
AMEMBASSY SAN JOSE IMMEDIATE  
USCINCSO QUARRY HGTS CZ IMMEDIATE

C O N F I D E N T I A L SANTO DOMINGO 2904

E.O. 11652: GDS  
TAGS: PINT, PEPR, PINS, DR  
SUBJECT: THE CONTINUING WAIT FOR JCE CERTIFICATION OF A WINNER

REF: SANTO DOMINGO 2827

1. THE PRESENT ATMOSPHERE IN THE CAPITAL REMAINS ONE  
OF BUSINESS-AS-USUAL BUT THE POLITICAL SITUATION IS STILL  
SLIGHTLY CONFUSED AS PRESIDENT BALAGUER'S FOLLOWERS  
STEP UP THEIR EFFORTS TO UPSET THE APPARENT ELECTION OF  
ANTONIO GUZMAN.

2. A REPORT IN LISTIN DIARIO FROM SANTIAGO THIS MORNING SAYS THE  
REFORMISTAS HAVE ADOPTED HEAVY-HANDED INTIMIDATION TACTICS THERE  
TO EFFECT A CHANGE IN THE VOTE COUNT THAT WAS HEAVILY FAVOR-  
ABLE TO GUZMAN, BUT THE AFTERNOON TABLOIDS, EVER  
QUICK TO JUMP ON SUCH A STORY, REPORT NOTHING UNUSUAL  
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FROM THE NATION'S SECOND CITY. ALL OTHER INDICATIONS  
ARE THAT THE INTERIOR IS QUIET, WITH PEOPLE AWAITING  
THE CHANGE IN GOVERNMENT IN AUGUST AS A FOREGONE  
CONCLUSION.

3. THE PARTIDO REFORMISTA PROPAGANDA ATTACKS ON THE  
ELECTION RESULTS, WHILE STILL BASED ON CHARGES OF "FRAUD"

OR AT LEAST "IRREGULARITIES" ENGINEERED BY THE OPPOSITION THAT DISADVANTAGED THE PR, SHIFTED YESTERDAY AND TODAY TO A NEW TACK: A FRONTAL ASSAULT ON THE "IMPARTIALITY" OF CENTRAL ELECTION BOARD MANUEL JOAQUIN CASTILLO. THE OBJECT OF THE ASSAULT IS TO REMOVE CASTILLO, WHOSE COURAGE AND PROBITY APPEAR UNSHAKEN DURING HIS ORDEAL OF THE PAST TWO WEEKS.

4. CASTILLO WAS FORMALLY CHALLENGED (RECUSADO) IN A LEGAL MANEUVER PROVIDED FOR IN THE ELECTORAL LAW--AND WHICH IS AN ESTABLISHED RECOURSE IN THE DOMINICAN JURIDICAL SYSTEM IN COMMON USE--THAT PERMITS ONE PARTY, IN THIS CASE THE REFORMISTAS, TO TRY TO PROVE PREJUDICIAL PARTIALITY OF A JCE MEMBER. BESIDES ADMINISTERING THE ELECTORAL SYSTEM, WHICH TECHNICALLY IS LIKE A FOURTH BRANCH OF GOVERNMENT, THE JCE IS THE SUPREME JUDICIAL AUTHORITY ON ELECTORAL MATTERS. THE FILING OF THE CHALLENGE YESTERDAY AFTERNOON HAS THE EFFECT OF SIDELINING CASTILLO FROM FURTHER JCE DECISIONS--SINCE HE CANNOT SIT IN JUDGEMENT OF HIMSELF--UNTIL THE MATTER IS ADJUDICATED BY THE THREE-MAN JCE. IT NOW CONSISTS OF THE TWO ORIGINAL MEMBERS AND CASTILLO'S "SUPLENTE," OR SUBSTITUTE.

5. THE REFORMIST CHALLENGE IS BASED ON ALLEGATIONS THAT CASTILLO "ADVANCED OPINIONS WITH RESPECT TO A MATTER WHICH WOULD BE SUBMITTED" TO THE JCE. SPECIFICALLY, CONFIDENTIAL

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THE CHARGE IS THAT CASTILLO, IN HIS PUBLIC STATEMENTS OF MAY 24 (REFTEL) THAT THE MAY 16 ELECTORAL PROCESS WAS "CLEAN," AND THAT THE ABSTENTION RATE WAS "VERY LOW," IGNORE THE REFORMISTA CLAIM THAT THEIR FOLLOWERS HAD BEEN "MASSIVELY BLOCKED" FROM CASTING BALLOTS. THIS CAUSED THE ELECTORAL RESULTS TO BE "SPURIOUS," ACCORDING TO THE PR LEGAL DOCUMENT.

6. INITIALLY THERE WAS CONCERN THAT THE REFORMISTAS WERE MOUNTING A "LEGAL" COUP D'ETAT, USING THE ELECTORAL LAW ITSELF TO REMOVE CASTILLO FROM THE PROCESS AND THEN INTIMIDATING OR OTHERWISE INDUCING HIS SUBSTITUTE TO VOTE THEIR WAY. EMBASSY CONTACTS DURING THE DAY WITH CASTILLO AND OTHER JCE MEMBERS AND OFFICIALS, HOWEVER, TEND TO ALLAY SUCH CONCERNS. CASTILLO HIMSELF APPEARS UNWORRIED THAT THE PR HAS IMPROVISED AN ADROIT LEGAL MANEUVER THAT WILL REMOVE HIM FROM THE PICTURE BEFORE THE MAY 16 VOTE IS MADE OFFICIAL AND THE WINNER FINALLY CERTIFIED. HE POINTS OUT THAT HE HAS BEEN "RECUSADO" BEFORE (AFTER THE 1974 ELECTION), AND THE CHARGES COULD NOT BE MADE TO STICK.

7. MOREOVER, THE APPARENTLY VICTORIOUS PRD APPEARS LITTLE CONCERNED THAT THE RESULTS OF THE MAY 16 ELECTION CAN BE OVERTURNED BY UNSUBSTANTIATED FRAUD CLAIMS AND LEGAL MANEUVERS BASED THEREON.

8. MEANWHILE, PRESIDENT BALAGUER CONTINUES TO COMPORT HIMSELF IN A VERY PRESIDENTIAL MANNER, DEDICATING MIDDLE-CLASS HOUSING PROJECTS ON SATURDAY AND YESTERDAY ATTENDING THE FUNERAL OF VIRILIO ALVAREZ PINA, A LIFE-LONG FRIEND AND OLD TRUJILLO COLLABORATOR, IN WHOSE MEMORY THE GOVERNMENT HAS DECLARED TWO DAYS OF MOURNING.

9. IN NONE OF HIS PUBLIC STATEMENTS SINCE HIS SPEECH OF MAY 18 HAS THE PRESIDENT SPECIFICALLY CONCEDED DEFEAT (EITHER IN CONFIDENTIAL

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HIS CONGRATULATION TELEGRAMS TO GUZMAN AND MAJLUTA, IN HIS REPLY TO PRESIDENT CARTER'S MAY 28 LETTER, OR IN HIS COMMENTS YESTERDAY TO THE PRESS AT THE CEMETERY). HE APPEARS RPT APPEARS TO AWAIT, LIKE THE REST OF THE COUNTRY, THE FINAL JCE CERTIFICATION BEFORE HE THROWS IN THE TOWEL AND ORDERS THE TRANSITION PROCESS BEGUN.  
YOST

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## Message Attributes

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